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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,334	09/25/2003	Christof Heintz	L034-001	9669
21567 7590 01/18/2007 WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			EXAMINER NEGRON, WANDA M	
			ART UNIT	PAPER NUMBER
			2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/672,334

Applicant(s)

HEINTZ, CHRISTOF

Examiner

Wanda M. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration:
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. **Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
4. Claim 10 recites the limitation "the voltage supply". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. **Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Hammond (US Pre-grant Published Application 2003/0128426 A1), and further in view of Oie (US 6,188,431 B1).**

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7. Regarding **claim 1**, Hammond discloses a telescopic system with imaging function (see *Abstract*, lines 1-2) comprising at least one tube (12, 14) comprising a beam path (16, 18) through an objective (20, 22) and an eyepiece (32, 34), a device for coupling out a partial light beam (54), and a module, i.e. a sensor housing (15), with an image sensor (70) for converting images into digital data, which is fitted to a housing of the tube which contains said device for coupling out said partial light beam in such a way that it is possible to couple out an optical signal on said image sensor (see figures 1 and 2). Hammond, however, does not explicitly teach that said telescopic system also comprises an autonomous digital camera with an interface for an additional external image sensor.

Oie, on the other hand, discloses an autonomous digital camera with an interface for an additional external image sensor. More specifically, Oie teaches an electronic camera with a first image sensor that connects via an RS 232C cable or infrared rays (see Col. 2, lines 25-28) to another electronic camera, which comprises a second image sensor (see figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the digital camera disclosed by Oie with the telescopic system disclosed by Hammond in order to share image data without requiring additional equipment, time and labor (see col. 1, lines 33-41).

8. Regarding **claims 2-4**, Hammond, as modified by Oie, discloses that the module is connected to the interface of the digital camera for transmitting digital image information wirelessly or by using a cable (see Hammond, paragraph [0013], lines 22-31, and Oie, col. 2, lines 25-28).

9. Regarding **claim 5**, Hammond, as modified by Oie, discloses that said device for coupling out said partial light beam is a beam splitter (see Hammond, element 54).

Official notice is taken that a cube is the most common form for a beam splitter.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cube form for the beam splitter disclosed by Hammond, as modified by Oie.

10. Regarding **claim 6**, Hammond, as modified by Oie, discloses that said device for coupling out said partial light beam is a splitter mirror (see Hammond, element 154).

11. Regarding **claim 7**, Hammond, as modified by Oie, discloses that said interface is a USB-interface (see Hammond, paragraph [0013], lines 22-27).

12. Regarding **claim 8**, Hammond, as modified by Oie, discloses that said interface is an RS 232-interface (see Oie, col. 2, lines 25-28).

13. Regarding **claim 9**, Hammond, as modified by Oie, discloses that said interface is an IEC 1394-interface (see Hammond, paragraph [0013], lines 22-27).

14. Regarding **claim 10**, official notice is taken that low-power devices, e.g. an image sensor, can draw their power through a USB cable. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to draw power from the cable link disclosed by Hammond, as modified by Oie, since doing this would eliminate the need for a separate power cable, thus simplifying the overall device.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wu (US Pre-grant Published Application 2004/0012680 A1) discloses a detachable camera constructed to include a telescope unit for taking photos from the field of view of the telescope unit.
- Chen (US 6,476,963 B1) discloses photographic binoculars comprising binoculars and a tube with a camera detachably connected to the tube.
- Hammock et al. (US Pre-grant Published Application 2002/0109785 A1) disclose a combined binocular viewing and digital recording device.
- Ziemkowski (US 7,136,094 B2) discloses a digital camera capturing system comprising at least two digital cameras and a bi-directional link for sharing data items.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 7:30 am - 5:00 pm alternate Fri off.

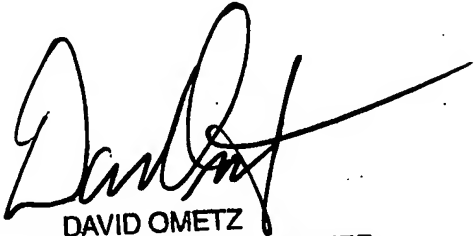
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

Wanda M. Negrón
December 7, 2006



DAVID OMETZ
SUPERVISORY PATENT EXAMINER